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C O N F I D E N T I A L KUWAIT 003320

SIPDIS

STATE FOR NEA/ARP AND S/CT  
NSC FOR TOWNSEND

E.O. 12958: DECL: 09/22/2014

TAGS: [PTER](#) [PREL](#) [KISL](#) [KU](#)

SUBJECT: FAILAKA FOUR FREE ON BAIL

REF: KUWAIT 02742

Classified By: Ambassador Richard LeBaron for reason 1.4 (b) and (d)

11. (U) News dailies reported September 21 that four of the suspects allegedly involved in the October 8, 2002 Failaka Island attack, Adnan Asad Al-Kandari, Abdullah Mohammed Al-Kandari, Yousef Ahmed Al-Kandari, and Ghazi Faisal Al-Tarrah, were released on KD 200 bail (approximately USD 670) but remain under a court-ordered travel ban. June press accounts reported that all three Al-Kandaris were acquitted of charges of involvement or support to the October 2002 attack and that Al-Tarrah was fined KD 5,000 (approximately USD 17,000) for illegal possession of arms. Nonetheless, they were redetained on September 13, following the Public Prosecution's appeal of the June verdict, and charged with collaborating with the two Failaka assailants Anas Al-Kandari and Jassem Al-Hajeri, both of whom were killed during the attack. The four are scheduled to appear in court on October 26.

12. (C) Comment: Post is inquiring through the MFA and other Kuwaiti contacts about the details of the GOK's case against the four men. News dailies also report that many suspected jihadis, recently detained during the summer crackdowns, have been released on minimal bail or with nominal fines. That a notably high number of jihadi suspects are out on conspicuously little bail gives many the impression that the Kuwaiti judicial system may be ill-equipped or unwilling to prosecute these suspects for their alleged crimes. Post is currently working to discover what evidence will be presented in these cases.

13. (C) Comment continued: Ambassador will raise these concerns with the Prime Minister, Foreign Minister, and Interior Minister in his initial calls on Kuwait's leadership. During these calls, it will be stressed that Kuwait can do more in its efforts to aggressively pursue terrorists and that there is a growing perception of legal loopholes which hamper efforts to effectively prosecute terror suspects. Post will convey the message that Washington is increasingly concerned about the evolving situation and will continue to press the GOK for more aggressive action against extremists. The GOK will be urged to take preemptive legal and security-related steps to make it clear that Kuwait will not become a safehaven for militant activities. Thus far, the GOK has followed a policy of accommodation with Islamists to retain the support of its important National Assembly constituency. July arrests of terrorist facilitators (reftel) may be an indicator that the GOK recognizes the danger of this policy.  
LeBaron